

Message Text

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ACTION DLOS-09

INFO OCT-01 AF-10 ARA-06 EUR-12 EA-07 IO-13 ISO-00
ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 EPG-02 COME-00 DODE-00 DOTE-00 EB-07
EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01
PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 FEA-01
/148 W

-----270147Z 069734 /72

P R 260530Z MAY 77

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC PRIORITY 3272

USMISSION USUN NEW YORK PRIORITY

INFO AMCONSUL AUCKLAND

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OSLO

AMEMBASSY PARIS

USMISSION USLO PEKING

AMEMBASSY PORT MORESBY

AMEMBASSY PRETORIA

AMEMBASSY SANTIAGO

AMEMBASSY SEOUL

AMEMBASSY SUVA

AMEMBASSY TAIPEI

AMEMBASSY TOKYO

AMEMBASSY WARSAW

CINCPAC

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CINCPAC ALSO FOR POLAD

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TOKYO ALSO FOR RFO

E.O. 11652: GDS

TAGS: PLOS, PBOR, EFIS, NZ

SUBJECT: NEW ZEALAND LEGISLATION FOR 200-MILE ECONOMIC ZONE

REF: (A) WELLINGTON 1855, (B) STATE 078913, (C) STATE 11631

1. SUMMARY: BILL TO BE INTRODUCED BY NATIONAL GOVERNMENT MAY 26 WILL INCREASE NEW ZEALAND'S TERRITORIAL SEA TO 12 MILES AND ESTABLISH EXCLUSIVE ECONOMIC ZONE OF 200 MILES. WHILE NOT NOW WRITTEN TO INCLUDE COOK ISLANDS, TOKELAUS AND NIUE (WHERE USG DESPUTES SOME CLAIMS), SIMILAR LEGISLATION IS EXPECTED FOR THESE TERRITORIES LATER THIS YEAR. PROVISION IN BILL WRITTEN TO EXTEND ECONOMIC ZONE TO ANTARCTIC ROSS DEPENDENCY AT UNSPECIFIED LATER DATE. BILL ALSO INCLUDES: HEAVY EMPHASIS ON CONDITIONS FOR AND SUPERVISION FOR FOREIGN FISHING LICENSES WITHIN ZONE; AMENDING PROVISION TO BRING LAW IN LINE WITH FUTURE LOS CONVENTION; AND PROVISION FOR FUTURE REGULATION OF MARINE SCIENTIFIC RESEARCH WITHIN ZONE. RESPONSES TO QUESTIONS REVEALED THAT DEPREDATION OF NEW ZEALAND FISHERIES IS PRIMARY MOTIVATION FOR LEGISLATION AND THAT GNZ HOPES TO HAVE FISHERY AGREEMENTS WITH MAJOR FISHING STATES IN PLACE BY TIME LEGISLATION COMES INTO EFFECT TOWARD CLOSE OF 1977. END SUMMARY.

2. EMBOFF WAS ASKED TO CALL AT MFA MAY 25 FOR BRIEFING BY ASSISTANT SECRETARY OF FOREIGN AFFAIRS STEWART ON TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE BILL TO BE INTRODUCED IN PARLIAMENT MAY 26 BY NATIONAL GOVERNMENT. STEWART, ASSISTED BY LEGAL DIVISION HEAD MANSFIELD (WHO WILL BE ATTENDING LOS CONFERENCE EARLY NEXT MONTH) AND ECONOMIC DIVISION HEAD BEEBY, CONFIDENTIAL

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PRESENTED EMBOFF WITH ADVANCE COPY OF BILL AND ADVISED THAT GNZ WAS CALLING IN REPRESENTATIVES OF SEVERAL OF NEW ZEALAND'S ALLIES AND MAJOR FISHING STATES TO AFFORD THEM PRIOR NOTIFICATION AND REVIEW WITH THEM BILL'S HIGHLIGHTS.

3. STEWART SAID NEED FOR NEW LEGISLATION IN THIS AREA WAS BASED PRIMARILY ON GROSS AND RAPID DEPLETION OF NEW ZEALAND'S FISHERIES IN THE PAST THREE YEARS BY LARGE FOREIGN FISHING FLEETS. SECONDARY AND TERTIARY REASONS WERE THE IMPOSITION ALREADY BY SEVERAL MAJOR PACIFIC STATES OF 200-MILE ECONOMIC/FISHERIES ZONES AND THE IMPORTANCE NEW ZEALAND PLACES IN BEING PREPARED TO MOVE IN CONCERT WITH OTHER SOUTH PACIFIC STATES TOWARD 200-MILE ZONE AS A "GESTURE OF PACIFIC SOLIDARITY."

4. TWO PRINCIPAL PURPOSES OF BILL ARE TO (A) INCREASE BREADTH OF NEW ZEALAND-S TERRITORIAL SEA TO 12

NAUTICAL MILES, AND (B) TO ESTABLISH EXCLUSIVE ECONOMIC ZONE "OVER SEA, SEABED AND SUBSOIL ADJACENT TO THE TERRITORIAL SEA, TO A DISTANCE OF 200 NAUTICAL MILES." IN RESPONSE TO QUESTION, STEWART ADVISED THAT IT REMAINS INTENTION OF GNZ NOT TO IMPLEMENT LEGISLATION UNTIL AFTER LOS CONFERENCE SESSION, COMMONWEALTH HEADS OF STATE MEETING IN JUNE, AND AUGUST GATHERING OF PACIFIC FORUM STATES. STEWART ALSO NOTED THAT BILL AS NOW WRITTEN DOES NOT EXTEND TO COOK ISLANDS, TOKELAUS AND NIUE. IT IS EXPECTED HOWEVER, HE SAID, THAT BY TIME LEGISLATION BECOMES EFFECTIVE LATER THIS YEAR, COOK ISLANDS AND NIUE WILL HAVE WRITTEN SIMILAR LEGISLATION AND THE GNZ WILL HAVE DONE SO FOR TOKELAUS.

5. DURING QUICK REVIEW OF BILL'S PRINCIPAL FEATURES, STEWART NOTED THAT: (A) PROVISIONS WILL EXIST FOR ECONOMIC ZONE TO BE EXTENDED TO NEW ZEALAND-CLAIMED
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ROSS DEPENDENCY IN ANTARCTICA AT UNSPECIFIED LATER DATE (THIS APPARENTLY TO SUPPORT AND STRENGTHEN NZ'S ANTARCTIC TERRITORIAL CLAIMS); (B) BILL IS IN ALL MAJOR RESPECTS CONSISTENT WITH REVISED SINGLE NEGOTIATING TEXT; (C) THERE IS HEAVY EMPHASIS ON BILL ON TERMS, CONDITIONS AND SUPERVISION OF FOREIGN FISHING UNDER LICENSE WITHIN ECONOMIC ZONE; (D) PROVISION EXISTS FOR BILL TO BE LIMITED OR AMENDED TO "GIVE FULL EFFECT TO ANY CONVENTION THAT IS ADOPTED BY THIRD UNITED NATIONS CONFERENCE ON LAW OF THE SEA."

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6. EMBOFF INQUIRED OF STEWART WHAT PROVISIONS, IF ANY, WERE MADE IN BILL FOR MARINE SCIENTIFIC RESEARCH (MSR) IN ECONOMIC ZONE. POINT WAS MADE, AS PER REFTTEL C, THAT USG SEEKS A REGIME WHICH WILL PROMOTE RATHER THAN DISCOURAGE MSR ALONG CONTINENTAL SHELVES OUTSIDE OF TERRITORIAL SEAS. BEEBY RESPONDED BY NOTING THAT CLAUSE EXISTS IN BILL FOR REGULATING MSR IN ECONOMIC ZONE BUT THAT GNZ DOES NOT INTEND TO APPLY IT AT THIS TIME. HE SAID HE RECOGNIZED THAT GNZ MAY BE AT SOME VARIANCE FROM AMERICAN THINKING ON THIS MATTER. BEEBY ADDED THAT THERE ARE TWO OTHER MAJOR AREAS WHERE GNZ BILL DIFFERS FROM EXISTING US LEGISLATION. THERE ARE: (A) TREATMENT OF 200-MILE LIMIT AS FULL ECONOMIC ZONE RATHER THAN MERELY FISHERIES ZONE AND AND (B) DIFFERENT APPROACH TO REGULATION OF FISHING FOR HIGHLY MIGRATORY SPECIES OF FISH.

6. EMBOFF QUESTIONED MANSFIELD WHETHER BILL WILL AFFECT GNZ'S APPROACH TO PROBLEMS OF DISPUTED ISLAND TERRITORIES. MANSFIELD SAID ISSUE HAS NOT CHANGED AND GNZ POSITION CONTINUES TO BE THAT OUTLINED BY GNZ EMBOFF TO DEPARTMENT OFFICIALS IN APRIL (REFTEL B). COOK ISLANDS, TOKELAUS AND NIUE CAN EACH BE EXPECTED TO APPLY SIMILAR 200-MILE ECONOMIC ZONES LATER THIS YEAR AND THOSE ZONES WILL CERTAINLY BE EXTENDED TO "ALL"THE COOKS (INCLUDING NORTHERN COOKS). "ALL" OF TOKELAUS AND "PROBABLY"SWAINS. BEEBY INTERJECTED THAT HE WAS HOPEFUL US WOULD SIMPLY DROP CLAIMS TO SOME OR ALL OF DISPUTED ISLANDS.

7. IN REPLY TO QUESTION REGARDING TIMING OF BILATERAL AGREEMENTS FOR FOREIGN FISHING RIGHTS WITHIN ECONOMIC ZONE, BEEBY SAID MFA HOPES TO HAVE SEVERAL AGREE-CONFIDENTIAL

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MENTS WITH MAJOR FISHING STATES IN PLACE BY TIME LEGISLATION COMES INTO EFFECT. HE SAID HE EXPECTS NEGOTIATIONS TO BEGIN "SOON" WITH SOVIETS, JAPANESE AND SOUTH KOREANS, ADDING AS AN ASIDE THAT "OF COURSE, WE WON'T BE ABLE TO NEGOTIATE WITH THE TAIWANESE" (THE LATTER APPARENTLY WITH REFERENCE TO GNZ'S NON-RECOGNITION OF ROC; SUBJECT WAS NOT PURSUED).

8. FULLTEXT OF PROPOSED LEGISLATION BEING POUCHED TO DEPARTMENT.
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Message Attributes

Automatic Decaptioning: X
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Disposition Approved on Date:
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Disposition Date: 22 May 2009
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Enclosure: n/a
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